

Exhibit D

From: [Vonderhaar, Douglas](#)
To: [Brian Murphy](#); [Jonathan Misny](#)
Cc: [McClellan, Rand L.](#); [Johnston, Katherine R.](#)
Subject: RE: Southard -- Settlement Communication
Date: Tuesday, April 21, 2020 6:17:14 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

SETTLEMENT COMMUNICATION PURSUANT TO FRE 408

Brian & Jonathan:

Following up on this correspondence, please let us know if Plaintiff has any questions regarding our February 7 letter and/or the documents sent on February 25.

Best,
Doug

From: Vonderhaar, Douglas
Sent: Tuesday, February 25, 2020 4:55 PM
To: Brian Murphy <murphy@mmmb.com>; Jonathan Misny <misny@mmmb.com>
Cc: McClellan, Rand L. <rmcclellan@bakerlaw.com>; Johnston, Katherine R. <kjohnston@bakerlaw.com>
Subject: RE: Southard -- Settlement Communication

SETTLEMENT COMMUNICATION PURSUANT TO FRE 408

Brian & Jonathan:

Attached, please find documents and EBR/consent data indicating a potential defense(s) for the calls in the BH Data Aggregation produced on February 7, 2020. This information is a combination of Southard's records (electronic and hardcopy) and data from third-party vendors. We gathered this information during a preliminary search of Southard's records. As indicated in our letter, this information is not meant to be comprehensive.

1. **Southard_001480 – 001561** – This zip file contains records evidencing a potential defense for the calls in the Data Aggregation (e.g., online submission forms, completed sweepstakes and window evaluation forms, etc.).
2. **BH ID by Bates_Southard_001480 – 001561** – This table will allow you to cross-reference a record in the above production with the relevant BH ID number in the Data Aggregation.

3. **BH Data Aggregation -- Exact Consent Data** – This spreadsheet contains the most readily available EBR/consent data for phone numbers in the Data Aggregation from Exact Customer (tab 1) and Exact Customer's partners (tab 2).
4. **BH Data Aggregation -- Broadside Consent Data** – This spreadsheet contains the most readily available EBR/consent data for phone numbers in the Data Aggregation from Broadside Media.

Please let me know if you have any questions.

Best,
Doug

From: Vonderhaar, Douglas
Sent: Friday, February 7, 2020 4:31 PM
To: Brian Murphy <murphy@mmmb.com>; 'Jonathan Misny' <misny@mmmb.com>
Cc: McClellan, Rand L. <rmcclellan@bakerlaw.com>; Johnston, Katherine R. <kjohnston@bakerlaw.com>
Subject: Southard -- Settlement Communication

Brian & Jonathan:

Attached, please find correspondence concerning the sample data that Brian and Rand discussed previously. We are preparing additional relevant information, which we expect to send to you next week.

Best,

Doug

Doug Vonderhaar
Associate



200 Civic Center Drive | Suite 1200
Columbus, OH 43215-4138
T +1.614.462.2634

dvonderhaar@bakerlaw.com
bakerlaw.com

